

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

ELIZABETH GOODWIN, as : **Case No. 1:14-CV-02670**
Administrator of the Estate of T.R., :
Deceased, :

Plaintiff, : **Judge: SOLOMON OLIVER JR.**

v. : ***MOTION TO WITHDRAW AS***

TIMOTHY LOEHMANN, et al. : ***COUNSEL***

Defendants. :

:

Now come attorneys, David Malik, Esq. and Timothy J. Kucharski, Esq., and hereby
regretfully move this Honorable Court for permission to withdraw as counsel of record in the
instant matter.

Counsel Timothy J. Kucharski was contacted by Samaria Rice in the afternoon of Saturday, November 22, 2014, hysterical that T.R., had been shot by the Cleveland Police. There was no issue with this as Mr. Kucharski has represented Ms. Rice for more than two (2) years on a variety of matters, some still pending. However, Counsel was in Cincinnati on November 22, 2014, but would be returning on November 23, 2014. Counsel Kucharski and Samaria Rice (T.R.'s mother) spoke repeatedly throughout the day about the medical condition of T.R. Counsel also took control of the media requests made to MetroHealth Medical Center. In the early morning hours of Sunday November 23, 2014, counsel was awoken by a phone call from the Rice family and learned the devastating news T.R. had died. Counsel continued to handle as many of the distractions as possible until he could speak with Ms. Rice (i.e. media requests, hospital information center, etc.). At the request of the family, Counsel Timothy J.

Kucharski, attempted to shield the family from the relentless media inquiries, as Ms. Rice wanted to be alone with her family at this tragic time.

After arriving in Cleveland, Ohio on Sunday November 23, 2014, counsel met with the Rice family at their home. Another meeting was scheduled the following day for all counsel, Ms. Rice and her family to discuss the potential legal situation and legal landscape. At that meeting Mr. Malik fully and completely explained the legal issues and the investigation that needed to happen. Mr. Malik also inquired about the need for counseling for Ms. Rice. Mr. Malik also offered to refer Ms. Rice to counselors that might help her. Numerous other meetings, conferences and telephone calls were made to assist Ms. Rice and her family.

Fast forward to Wednesday, December 3, 2014. T.R.'s funeral services were conducted. The following day, December 4, 2014, Ms. Rice and her uncle, Michael Petty asked to meet with attorneys Malik and Kucharski. That meeting was conducted. It was decided at that meeting that the instant lawsuit would be filed on Friday December 5, 2014. On December 5, 2014, legal counsel completed the revisions to the complaint and filed the complaint as all had agreed. Ms. Rice and Mr. Petty asked to meet with Mr. Malik and Mr. Kucharski on that Friday morning, December 5, 2014. An appointment of 11:00 a.m. was set at Kucharski's office. However, Ms. Rice and Mr. Petty did not appear at the meeting and did not call to cancel. Either Ms. Rice or Mr. Petty then called on Friday afternoon asking to meet with counsel on Saturday, December 6, 2014 or Sunday, December 7, 2014. Counsel Kucharski advised he would be out of town on Saturday, December 6th, and had volunteer work scheduled on Sunday, December 7th, between 2-4p.m., but Kucharski could meet with them any other time on Sunday, December 7th. Again, neither Ms. Rice nor Mr. Petty set a firm time to meet on Sunday, December 7th. When Kucharski returned from his volunteer work he called both Ms. Rice and Mr. Petty. Mr. Petty

said that Samaria was home and he was tired so they could not meet. That was the last time either Mr. Malik or Mr. Kucharski has heard from Ms. Rice.

Mr. Kucharski has made repeated attempts to speak with Ms. Rice, but all have gone unanswered. Counsel has called and texted Mr. Petty in an attempt to speak with Ms. Rice, but still no communication has occurred between the parties. It was learned on Monday, December 8, 2014, Ms. Rice would be appearing on Good Morning America with Benjamin Crump and that she did not wish to have Mr. Malik or Mr. Kucharski represent her. Later, the Administrator, Elizabeth Goodwin, reached out to Attorneys Benjamin Crump and Walter Madison to set up a telephone conference to determine the purpose and intention of Mr. Crump and Mr. Madison in this case. Mr. Madison indicated Mr. Crump would be unavailable but asked that the meeting be rescheduled for the following day December 10th, at noon. Although Malik and Kucharski called into the administrator's office as scheduled, neither Mr. Crump nor Mr. Madison called in.

Despite continued attempts to find out whether Attorneys Crump and Madison would be taking over the civil lawsuit or whether they were addressing a different aspect of the case nothing was ever conveyed to Attorneys Malik, Kucharski or the administrator, Elizabeth Goodwin. Due to the fact there was a cut off of communication between Ms. Rice and Mr. Malik and Ms. Rice and Mr. Kucharski, both attorneys agreed they should resign. Letters of resignation were submitted to Administrator Elizabeth Goodwin and were accepted.

Without any communication between Ms. Rice and counsel, undersigned counsel is unsure how they can continue to represent the estate of T.R. As a result, counsel would request they both be permitted to withdraw from the instant matter.

Respectfully Submitted,

/s/ David B. Malik

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